## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:24-CV-00274-M-RN

ERNEST YARBOROUGH,	)	
Plaintiff,	)	
v.	)	ORDER
HILTON WORLDWIDE HOLDINGS INC., ET AL.,	)	
Defendant.	) ) )	

This matter comes before the court on the Memorandum and Recommendation ("M&R") entered by Magistrate Judge Robert T. Numbers, II in this case on August 12, 2024. DE 9. In the M&R, Judge Numbers recommends that the court grant Defendant's Motion to Dismiss. DE 23 at 1, 4. The M&R, along with instructions and a deadline for filing objections, was served on Plaintiff on August 12, 2024. *See id.* at 4–5. Plaintiff raised no objection to the M&R.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); accord Mathews v. Weber, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the

court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant's Motion to Dismiss [DE 6] is GRANTED. The Clerk of Court is directed to close this case.

SO ORDERED this \_\_\_\_\_ day of September, 2024.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE